

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTOLIN ANDREW MARKS,

Plaintiff,

v.

UNITED STATES OF AMERICA *et al.*,

Defendants.

Case No. C06-5696RBL

ORDER UNSEALING A
DOCUMENT AND
SANCTIONING PLAINTIFF

This Bivens action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4.

Mr. Marks now litigates under a sanction as a result of multiple improper filings. As part of that sanction documents filed by Mr. Marks are submitted under seal for court review. Mr. Marks has filed one document since entry of the last order (Dkt. # 49). Dkt. # 49 is a motion for rehearing an issue the court has ruled on. This is a motion for reconsideration under local rule 7 (h). **Dkt. # 49 is now UNSEALED.** Local Rule 7 sections (d)(1) states, motions for reconsideration are noted the day they are filed. Local Rule 7 (e) limits motions that are noted the day of filing to six pages. Mr. Marks motion is 38 pages long.

This court repeatedly warned Mr. Marks concerning the filing of over length pleadings in the companion case of Hopper v Melendez, 05-CV-5680RBL. An order to show cause was entered in that action and Mr. Marks assured the court he would follow the rules of this tribunal. The court will no longer

1 tolerate Mr. Marks improper conduct. The pleading is 32 pages over length. The court now **ORDERS:**

- 2 **1. Mr. Marks will pay a sanction of \$5 Dollars for every over length page filed. 32**
3 **pages at \$5 Dollars is a sanction of \$160 Dollars.**
- 4 **2. Failure to remit this amount to the court in thirty days will result in a Report and**
5 **Recommendation that this action be dismissed with prejudice.**
- 6 **3. The motion for rehearing (Dkt # 49) is referred to Judge Leighton who may decide**
7 **whether or not to consider the filing.**

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9 The clerk's office is directed to send copies of this order to plaintiff and counsel.
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12 DATED this 21 day of November, 2007.
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/s/ J. Kelley Arnold
J. Kelley Arnold
United States Magistrate